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TAGS: [PGOV](#) [PREL](#) [PHUM](#) [KDEM](#) [KCOR](#) [AJ](#)  
SUBJECT: FARHAD ALIYEV'S TRIAL QUIETLY PROCEEDS

REF: A. BAKU 753

[B](#). BAKU 664

[C](#). BAKU 590

Classified By: POL/ECON CHIEF JOAN POLASCHIK PER 1.4(B,D)

[1](#). (C) Since the May 30 start of former Minister of Economic Development Farhad Aliyev's substantive hearing, the trial has been proceeding quietly (literally, as the lack of microphones and the whirring of several air conditioners in the long, narrow courtroom prevent observers from hearing most of the proceedings). More than 150 witnesses - most sunburned farmers and housewives from small, remote villages - have now testified, stating that they did not receive privatization vouchers intended for them. Embosfs have been permitted access to each session since June 18, after the Ambassador raised our concerns with President Aliyev on June 14 (see ref a). Other internationals seeking courtroom access have still not been permitted to observe, namely representatives from the British Embassy and ABA-CEELI, always on claims of no space. For unknown reasons, a staff member of one of NED's local partners, who previously had been allowed into nearly every session, was not permitted to enter the courtroom several times this week.

[2](#). (SBU) The trial has been interrupted often by minor procedural issues, sometimes involving access by family members and international observers. Today's session - June 29 - got off to a rocky start, as Farhad and Rafig Aliyev's brother Alipanah Aliyev argued with court officials about his seat. He wanted to sit in the front row, in order to see his brothers; however, the first several rows are normally reserved for witnesses. Court officials responded by making everyone except lawyers leave the courtroom, then allowed everyone except Alipanah Aliyev to return after a 20-minute wait. Two weeks ago, one man refused to swear in before testifying, and was thrown in jail until he complied (presumably for obstruction of justice). Last week, one man testified that he had received his vouchers, and did not understand why he was called to testify. Compared to the conduct of other high-profile trials, this one has been quite uneventful, leading some to suspect that Aliyev has made a deal with the GOAJ to keep silent.

[3](#). (C) On June 26, Embosfs met with Alovsat Aliyev, one of Farhad and Rafig Aliyev's brothers. Aliyev explained his frustration with the case, stating that Farhad Aliyev's rights have been violated every day since his arrest. Further, he said that former AzPetrol Head Rafig Aliyev was only guilty of one thing: being Farhad Aliyev's brother. According to Alovsat Aliyev, the brothers' defense team has noted 150 violations of due process since the start of the trial. (NOTE: He passed us a list of 77 instances, and Farhad Aliyev's lead defense attorney, Elton Guliyev, later passed us a summarized list of the charges. We are combing through both documents and will provide a summary septel.) Aliyev said that his main concern, however, had been

resolved: Embodys' access to the courtroom.

¶4. (C) Aliyev described the difficulty his family has experienced since the start of the trial. None of the Aliyev brothers' relatives were allowed into the courtroom for the first 20 days, after which brothers Alovsat and Alipanah alternately were allowed in. However, Aliyev said, when the brothers tried to enter together, neither of them were allowed in. According to Aliyev, Court of Grave Crimes Judge Tofiq Pashayev has mocked and embarrassed family members on several occasions. As a result, only the two brothers continue to attend the trial (when permitted). Aliyev also said that family members are not permitted to visit Farhad Aliyev in detention, including his elderly mother, wife, and small children. He said that he had applied to Human Rights Ombudswoman Elmira Suleymanova to intervene, but she referred the matter to the Prosecutor General's Office, after which Aliyev received no response.

¶5. (C) COMMENT: We will continue to monitor the trial and report developments as appropriate. We are concerned by the long list of due process violations alleged by Aliyev's defense team, and will analyze them and report septel. We also are concerned that Aliyev's family is not permitted to visit him in detention; the Ambassador will raise this during her July 2 meeting with Human Rights Ombudswoman Elmira Suleymanova.  
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